

NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES

GROUNDWATER MANAGEMENT  
PERMIT NO. GWP-198706002-C-002

**RECEIVED**

**NOTICE OF APPEAL**

MAY 08 2006

06-07 WMC

NOW COMES General Auto Sales, Inc., of Newport Road, Claremont, New

Hampshire, which states as follows, in accordance with Env-WMC 204.02(b):

1. Appellant: General Auto Sales, Inc.  
P.O. Box 177  
Newport Road  
Claremont, NH 03743  
(603) 542-9595  
(603) 542-2978 (fax)
2. Appellant's Representative: Mark H. Puffer, Esquire  
Preti, Flaherty, Beliveau & Pachios, PLLP  
57 North Main Street  
P.O. Box 1318  
Concord, NH 03302-1318  
(603) 410-1500  
(603) 4101501 (fax)  
[mpuffer@preti.com](mailto:mpuffer@preti.com)
3. Statement of Relief Sought: The relief sought by the appellant is to be heard on the inclusion of the appellant's property in the Groundwater Management Zone; and to halt or reverse any recordation of such inclusion. Upon information and belief, no metes and bounds description of the area subject to the permittee's rights has been provided. Relief is sought under RSA 21-0:14, 21-0:9, V and 541-A.
4. Statement of Facts: Appellant had no notice that its property was to be included in, and subject to the restrictions of, the Groundwater Management Zone.  
  
Appellant has never been heard on the issue whether its property should be

included in the Groundwater Management Zone. Nor has appellant been provided any legal metes and bounds description of its property to be included in the Zone.

5. Statement As To Why Appellant Has Standing To Bring the Appeal: Appellant will suffer a direct and adverse effect because its property will be subject to and burdened by the restrictions of the Zone, and subject to use for monitoring wells and any other use of the property authorized by the permit. Appellant has standing to bring the appeal because it owns property to be included in the Groundwater Management Zone.
6. Copy of Decision Or Order: See copy of Groundwater Management Permit No. GWP-198706002-C-002 attached hereto.
7. Expedited Review: Expedited review is being requested because the permit was issued February 20, 2006, without any prior notice to the appellant of the inclusion of its property in the Groundwater Management Zone.

May 8, 2006

**COPY**  
Mark A. Potter Esquire, counsel for  
Appellant General Auto Sales, Inc.

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal has this 8<sup>th</sup> day of May, 2006, been mailed by first class mail, postage prepaid to:

Robert R. Scott, Director  
Dept. of Environmental Services  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
(603) 271-3503  
(603) 271-2867 (fax)

Michel P. Nolin, Commissioner  
Dept. of Environmental Services  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
(603) 271-3503  
(603) 271-2867 (fax)

City of Claremont  
58 Opera House Square  
Claremont, NH 03743  
(603) 542-7002  
(603) 542-7014 (fax)  
[citymanager@claremontnh.com](mailto:citymanager@claremontnh.com)

**COPY**

Mark H. Puffer



The  
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES  
hereby issues  
GROUNDWATER MANAGEMENT PERMIT NO. GWP-198706002-C-002

to the permittee  
CITY OF CLAREMONT  
to monitor groundwater quality at the

CLAREMONT LANDFILL  
(on Newport Road)

In CLAREMONT, N.H.

via the groundwater monitoring system comprised of  
13 monitoring wells and 3 surface water sampling stations  
as depicted on the Site Plan entitled  
"Water Table Map November 2004"

dated January 18, 2005, prepared by Jacques Whitford Company, Inc.

TO: CITY OF CLAREMONT  
CITY HALL  
8 GRANDVIEW STREET  
CLAREMONT, NEW HAMPSHIRE 03743

Date of Issuance: February 20, 2006  
Date of Expiration: February 19, 2011

Pursuant to authority in N.H. RSA 485-C:6-a, the New Hampshire Department of Environmental Services (Department), hereby grants this permit to monitor groundwater for five years at the above described facility subject to the following conditions:

(continued)

STANDARD MANAGEMENT PERMIT CONDITIONS

1. The permittee shall not violate Ambient Groundwater Quality Standards adopted by the Department (N.H. Admin. Rules Env-Wm 1403) in groundwater outside the boundaries of the Groundwater Management Zone, as shown on the referenced site plan.
2. The permittee shall not cause groundwater degradation which results in a violation of surface water quality standards (N.H. Admin. Rules Env-Ws 1700) in any surface water body.
3. The permittee shall allow any authorized staff of the Department, or its agent, to enter the property covered by this permit for the purpose of collecting information, examining records, collecting samples, or undertaking other action associated with this permit.
4. The permittee shall apply for the renewal of this permit 90 days prior to its expiration date.
5. This permit is transferable only upon written request to, and approval of, the Department. Compliance with the existing Permit shall be established prior to ownership transfer. Transfer requests shall include the name and address of the person to whom the permit transfer is requested, signature of the current and future permittee, and a summary of all monitoring results to date.
6. The Department reserves the right, under N.H. Admin. Rules Env-Wm 1403, to require additional hydrogeologic studies and/or remedial measures if the Department receives information indicating the need for such work.
7. The permittee shall maintain a water quality monitoring program and submit monitoring results to the Department's Groundwater Management Permits Coordinator no later than 45 days after sampling. Samples shall be taken from on-site monitoring wells and surface water sampling points as shown and labeled on the referenced site plan and other sampling points listed on the following table in accordance with the schedule outlined herein:

<u>Monitoring Locations</u>	<u>Sampling Frequency</u>	<u>Parameters</u>
Dug, B-401, B-3, B-5, B-103S&D, B-104, B-203, B-403S&D, B-405S&D, B-110, SW-1, Brook, Sugar River	April and November each year	Specific Conductance @ 25° C, pH, Chloride, Nitrate, TKN, Iron, Manganese, and Static Water Elevation (ft.)
Same as above	April each year	NHDES Petroleum & Hazardous Waste Remediation Full List of Analytes for Volatile Organics and Arsenic
Same as above	November 2010	Drinking Water Metals

(continued)

GWP-198706002-C-002

Samples shall be obtained using sampling procedures and protocol described in "Practical Guide for Ground-Water Sampling," USEPA current edition, and "RCRA Ground-Water Monitoring: Draft Technical Guidance," USEPA current edition. Samples shall be analyzed by a laboratory certified by the U.S. Environmental Protection Agency or the New Hampshire Department of Environmental Services. All overburden groundwater samples collected for metal analyses (iron, manganese, and Drinking Water Metals) shall be analyzed for dissolved metals; and thus must be field filtered (with a 0.45-micron filter) and acidified after filtration in the field. Surface water samples and samples collected from bedrock or water supply wells shall be analyzed for total metals, and shall not be filtered. As referred to herein, the term "Drinking Water Metals" refers to arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver.

Summaries of water quality shall be submitted annually to the Department's Waste Management Division, attention Groundwater Management Permits Coordinator, in the month of **January**, using a format acceptable to the Department. The Annual Report shall include a tabular summary of all monitoring results to date, an assessment of trends in the data, a groundwater contour map utilizing most recent groundwater elevation data, an evaluation of the performance of the remedial action plan, and any recommendations for modifications to the remedial action plan.

**The Annual Report shall be prepared and stamped by a professional engineer or professional geologist licensed in the State of New Hampshire.**

8. Issuance of this permit is based on the Groundwater Management Permit Application dated January 26, 2005 and the historical documents found in the Department file DES #198704049. The Department may require additional hydrogeologic studies and/or remedial measures if invalid or inaccurate data are submitted.
9. Within 30 days of the date of Department approval of this Groundwater Management Permit, the permittee shall provide notice of the permit by certified mail to all owners of lots of record within the Groundwater Management Zone. The permittee shall submit documentation of this notification to the Department within 60 days of permit issuance.
10. Within 30 days of the date of Department approval of this Groundwater Management Permit, the permit holder shall submit a draft copy of the notices to be recorded. Upon Department approval of the draft notices the permit holder shall within 60 days record notice of the permit in the registry of deeds in the chain of title for the lots within the Groundwater Management Zone. This recordation requires that the registry be provided with book and page numbers for the deed of each lot encumbered by this permit. Portions of State/Town/City roadways and associated right-of-way properties within the Groundwater Management Zone do not require recordation. Following recordation, copies of the recorded notices shall be submitted to the Department within 30 days of recordation.
11. Within 30 days of discovery of a violation of an ambient groundwater quality standard at or outside the Groundwater Management Zone boundary, the permittee shall notify the Department in writing. Within 60 days of discovery, the permittee shall submit a work scope for development of a revised remedial action plan, including a schedule of milestones, to the Department for approval. The Department shall approve the revised remedial action plan if compliance with Env-Wm 1403.08 has been demonstrated.


ADDITIONAL CONDITION FOR LANDFILLS

12. The permittee shall maintain a capping system at the facility that meets the standards set forth in Env-Wm 2505.10.

SPECIAL CONDITION FOR THIS PERMIT

13. Recorded property within the Groundwater Management Zone includes the lots as listed and described in the following table:

Tax Map/ Lot #	Property Address	Owner Name and Address	Deed Reference (Book/Page)
Map137/ Lot 17 & Map149/ Lot 1	Claremont Landfill Newport Road Claremont, NH 03743	City of Claremont City Hall 50 Tremont Square Claremont, NH 03743	Book 395/ Page 586 & Book 368/ Page 193
Map 137/ Lot 16 and Map 149 / Lot 3 and Map 136 / Lot 5	General Auto Sales Newport Road Claremont, NH 03743	General Auto Sales PO Box 177 Newport Road Claremont, NH 03743	Book 726 / Page 266 and Book 726/ Page 264 and Book 1263/ Page 967

**COPY**  
  
 Carl W. Barker, P.E.  
 Administrator, Hazardous Waste Remediation Bureau  
 Waste Management Division

Under RSA 21-0:14 and 21-0:9-V, any person aggrieved by any terms or conditions of this permit may appeal to the Waste Management Council in accordance with RSA 541-A and N.H. Admin. Rules, Env-WMC 200. Such appeal must be made to the Council within 30 days and must be addressed to the Chairman of the Waste Management Council, c/o Appeals Clerk, Department of Environmental Services Legal Unit, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.

GWP-198706002-C-002